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Via ECF

July 5, 2011

Honorable Donald E. Walter
Senior United States District Judge
United States Courthouse
300 Fannin Street
Shreveport, LA 71101

Re: United States v. Harold Turner
09-CR-650-01 (DEW)(EDNY)

Dear Judge Walter:

The Court's file reflects that I am counsel to Harold Turner in the referenced prosecution. On January 18, 2011, I filed a Notice of Appeal in the United States Court of Appeals for the Second Circuit and am scheduled to file Mr. Turner's Brief in that matter on or before August 22, 2011. At present, Mr. Turner is incarcerated in FCI Terre Haute, Indiana.

I write to file two applications which I have reviewed and discussed with my client. Each of the applications, which were not and could not be addressed before my client's sentencing on December 21, 2010, presents significant issues which require the Court's attention.

The first application is premised upon certain clear "Brady violations" which were disclosed following an FOIA request that was made following my client's second trial. The FBI's response was finally received by my client on or about March 7, 2011, more than a year after the request was made and some seven (7) months following his remand after a jury verdict of guilt at his third trial in August 13, 2010. As the Court will see, of some 445 pages which were reviewed, the FBI chose to release only 282 pages. Many of those documents were never produced during the discovery stages of the prosecution and are now clearly revealed to have been withheld or remain secreted in the government's files. Indeed, as my client indicates, at least one document was destroyed. The CD Rom with the all documents is in my possession and will be produced should the Court require.

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The second application requests that the Court now disclose what were previously marked by your Honor as Court 1 and Court 2, prior to the commencement of my client's second trial under the circumstances described in Mr. Turner's second motion, filed herewith.

Upon receiving the Court's ruling on these issues, Mr. Turner and I will determine whether your Honor's rulings should become a part of our appeal.

Thanking the Court for its consideration of these matters, I remain

Respectfully,


Ronald G. Russo

cc: Diane MacArthur, Esq.
William E. Ridgway, Esq.
Assistant United States Attorneys

Harold Turner